

**DECISIONS OF THE
BOARD OF ADJUSTMENT-RESIDENTIAL
JANUARY 15, 2014**

1. BAR-13-143

NICOLAS GOMEZ

1200 Oak Grove Road E.

- a. Request a **SPECIAL EXCEPTION** in an "A-5" One-Family District to permit the construction of a four (4) foot tall solid metal fence in the front yard.
- b. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a six (6) foot tall solid metal fence whereas only four (4) feet is allowed by special exception, excessive by two (2) feet.
- c. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of a barn that is approximately twenty (20) feet in height whereas only twelve (12) feet is allowed, excessive by approximately eight (8) feet in height.

Motion regarding requests:

Motion (Givens) and second (Chappell) to deny the request.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P	X		
Victoria Bargas	A			

Summary of Action:

BAR-13-143 request is **DENIED**.



Chair



Executive Secretary

**DECISIONS OF THE
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JANUARY 15, 2014**

2. BAR-13-156

PEDRO ROA

3540 Hardeman Street and 3537 Childress Street

- a. Request a **SPECIAL EXCEPTION** in an "A-7.5" One-Family District to permit the continued use of large animals and stables where the property owner lives more than ¼-mile from the subject
- b. Request a **VARIANCE** in an "A-7.5" One-Family District to permit the continued use of a stable and fenced pasture that encroaches approximately twenty (20) feet into the required fifty (50) foot setback from a regulated structure, creating an approximate thirty (30) foot setback.
- c. Request a **VARIANCE** in an "A-7.5" One-Family District to permit provision of twenty-three thousand eight hundred and eighty-nine (23,889) square feet of pasture instead of the required forty thousand (40,000) square feet, deficient by approximately sixteen thousand one hundred and eleven (16,111) square feet.

Motion regarding requests:

Motion (Shearer) and second (Chappell) to deny the request without prejudice.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixson	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P		X	
Victoria Bargas	A			

Summary of Action:

BAR-13-156 request is **DENIED WITHOUT PREJUDICE**.



Chair



Executive Secretary

**DECISIONS OF THE
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3. BAR-13-162 TIMOTEO ROSAS
3101 Milam Street

- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a porch that encroaches approximately three (3) feet into the five (5) foot rear yard setback, creating an approximate two (2) foot rear yard setback.

Motion regarding requests:

Motion (Chappell) and second (Shearer) to approve the request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P		X	
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P		X	
Wade Chappell	P	X		
Eunice Givens	P		X	
Victoria Bargas	A			

Summary of Action:

BAR-13-162 request is **DENIED FOR LACK OF SEVEN AFFIRMATIVE VOTES.**



Chair



Executive Secretary

**DECISIONS OF THE
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4. BAR-13-166 OSCAR MOLINA
3300 N. Pecan Street

- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of an accessory storage building that encroaches approximately three (3) feet into the five (5) foot rear yard setback, creating an approximate two (2) foot rear yard setback.
- b. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of an accessory storage building that encroaches approximately five (5) feet into the five (5) foot side yard setback, creating an approximate zero (0) foot side yard setback

Motion regarding requests:

Motion (Shearer) and second (Chappell) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixson	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P		X	
Victoria Bargas	A			

Summary of Action:

BAR-13-166 request is **APPROVED**.



Chair



Executive Secretary

**DECISIONS OF THE
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5. BAR-14-004 JESUS ARMENDARIZ
4913 Sunshine Drive

- a. Request a **SPECIAL EXCEPTION** in an "A-5/HC" One-Family District with a Historical and Cultural Overlay to permit the continued use of large animals and stables where the property owner lives more than ¼-mile from the subject.
- b. Request a **VARIANCE** in an "A-5/HC" One-Family District with a Historical and Cultural Overlay to permit the continued use of a stable that encroaches five (5) feet into the required five (5) foot setback from a regulated structure, creating a zero (0) foot setback.
- d. Request a **VARIANCE** in an "A-5/HC" One-Family District with a Historical and Cultural Overlay to permit the provision of approximately seven thousand and four hundred (7,400) square feet of pasture instead of the required sixty thousand (60,000) square feet, deficient by approximately fifty-two thousand and six hundred (52,600) square feet.

Motion regarding requests:

Motion (Givens) and second (Shearer) to deny.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P	X		
Victoria Bargas	A			

Summary of Action:

BAR-14-004 request is **DENIED**.



Chair



Executive Secretary

**DECISIONS OF THE
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6. BAR-14-006 JOSE RODRIGUEZ
2606 NW 25th Street

- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of a carport that encroaches five (5) feet into the five (5) foot side yard setback, creating a zero (0) feet side yard setback.

Motion regarding requests:

Motion (Shearer) and second (Dixson) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P		X	
Victoria Bargas	A			

Summary of Action:

BAR-14-006 request is **APPROVED**



Chair



Executive Secretary

**DECISIONS OF THE
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7. BAR-13-121R JAMES SIBLEY
3713 Pecos Street

- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of a storage building / secondary structure without an existing primary structure.

Motion regarding requests:

Motion (Shearer) and second (Johnston) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P		X	
Victoria Bargas	A			

Summary of Action:

BAR-13-121R request is **APPROVED**



Chair



Executive Secretary

**DECISIONS OF THE
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8. BAR-13-157 QUINCY HOLMES
9884 Autumn Sage Drive

- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of an accessory storage building that encroaches approximately one (1) foot ten (10) inches into the required five (5) foot rear yard setback, creating an approximate three (3) foot two (2) inch rear yard setback.

Motion regarding requests:

Motion (Givens) and second (Dixon) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P	X		
Victoria Bargas	A			

Summary of Action:

BAR-13-157 request is **APPROVED**



Chair



Executive Secretary

**DECISIONS OF THE
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9. BAR-13-159 PHYLLIP & ANNETTE TAYLOR
4001 Meadowbrook Drive

- a. Request a **VARIANCE** in an "A-7.5" One-Family District to permit the construction of a carport that encroaches approximately ten (10) feet into the ten (10) foot side yard setback, creating an approximate zero (0) foot side yard setback on a corner lot.

Motion regarding requests:

Motion (Worthley) and second (Shearer) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixson	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P		X	
Victoria Bargas	A			

Summary of Action:

BAR-13-149 request is **APPROVED**



Chair



Executive Secretary

**DECISIONS OF THE
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10. BAR-13-160

EZEQUIEL & SILVIA MARTINEZ

2816, 2820, 2824 Thannishch Avenue

- a. Request a **SPECIAL EXCEPTION** in an "A-5" One-Family District to permit the construction of a five (5) foot tall open design iron fence in the front yard, along the north property line.

Motion regarding requests:

Substitute motion (Dixon) and second (Shearer) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	A			
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P	X		
Victoria Bargas	A			

Summary of Action:

BAR-13-160 request is **APPROVED**.



Chair



Executive Secretary

**DECISIONS OF THE
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11. BAR-13-161

KATHY SADLER

1337 E. Powell Avenue

- a. Request a **SPECIAL EXCEPTION** in an "A-5" One-Family District to permit the construction of a carport within the front yard, leaving a five (5) foot front-yard setback.

Motion regarding requests:

Motion (Shearer) and second (Chappell) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P		X	
Victoria Bargas	A			

Summary of Action:

BAR-13-161 request is **APPROVED**.



Chair



Executive Secretary

**DECISIONS OF THE
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12. BAR-13-163

WILLIAM HIBBITTS

4516 & 4520 Ebbtide Court

- a. Request a **SPECIAL EXCEPTION** in a "B" Two-Family District to permit the construction of a carport within the front yard, leaving a two (2) foot two (2) inch front-yard setback.
- b. Request a **VARIANCE** in a "B" Two-Family District to permit the construction of a carport within the side yard, leaving zero (0) foot setback.

Motion regarding requests:

Motion (Givens) and second (Johnston) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixson	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P	X		
Victoria Bargas	A			

Summary of Action:

BAR-13-163 request a. is **APPROVED**.



Chair



Executive Secretary

**DECISIONS OF THE
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13. BAR-13-164 TENNESSEE W. WALKER
3741 W. 7TH. Street

- a. Request a **VARIANCE** in a "B" Two-Family District to permit the construction of an addition that encroaches approximately two (2) feet into the five (5) foot side yard setback, creating an approximate three (3) foot side yard setback

Motion regarding requests:

Motion (Chappell) and second (Shearer) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P	X		
Victoria Bargas	A			

Summary of Action:

BAR-13-164 request is **APPROVED**.



Chair



Executive Secretary

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14. BAR-13-165 LPM HOLDING, LLC
3101 Merrick Street

- a. Request a **VARIANCE** under the "B" Two-Family District regulations to permit the construction of a duplex that covers approximately fifty-seven (57) percent of the lot, excessive by seven (7) percent.
- b. Request a **VARIANCE** under the "B" Two-Family District regulations to permit the construction of a duplex that encroaches ten (10) feet into the twenty (20) foot front yard setback, creating an approximate ten (10) foot front yard setback.

Motion regarding requests:

Motion (Chappell) and second (Shearer) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P	X		
Victoria Bargas	A			

Summary of Action:

BAR-13-165 request is **APPROVED**.



Chair



Executive Secretary

**DECISIONS OF THE
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15. BAR-13-167 CARLOS E. FLORES
4016 Clayton Road W.

- a. Request a **VARIANCE** in an "A-5" One-Family District to permit a storage building that encroaches approximately three (3) feet into the five (5) foot rear yard setback, creating an approximate two (2) foot rear yard setback.

Motion regarding requests:

Motion (Shearer) and second (Worthley) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P	X		
Victoria Bargas	A			

Summary of Action:

BAR-13-167 request is **APPROVED**.



Chair



Executive Secretary

**DECISIONS OF THE
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16. BAR-14-002

**Charles Holiday
4814 Ramey Avenue**

- a. Request a **VARIANCE** in an "A-5/HC" One-Family District with a Historical and Cultural Overlay to permit the continued use of storage buildings / secondary structures without an existing primary structure.
- b. Request a **VARIANCE** in an "A-5/HC" One-Family District with a Historical and Cultural Overlay to permit the continued use of storage buildings / secondary structures that total one thousand two-hundred and seventy-six (1,276) square feet in area, excessive by eight-hundred and seventy-six (876) square feet in area.

Motion regarding requests:

Motion (Givens) and second (Chappell) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P	X		
Victoria Bargas	A			

Summary of Action:

BAR-14-002 request is **APPROVED**.



Chair



Executive Secretary

**DECISIONS OF THE
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17. BAR-14-003

Ruth McMaster by Robert Cagle
3544 E. Kellis Street

- a. Request a **SPECIAL EXCEPTION** in an "A-5" One-Family District to permit the construction of a carport within the front yard, creating an approximate one (1) foot six (6) inch setback

Motion regarding requests:

Motion (Shearer) and second (Chappell) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P		X	
Victoria Bargas	A			

Summary of Action:

BAR-14-003 request is **APPROVED**



Chair



Executive Secretary

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18. BAR-14-005 John May by Rebecca May-Avant
2010 mont Avenue

- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the continued use of a storage building that encroaches approximately one (1) foot six (6) inches into the five (5) foot side yard setback, creating an approximate three (3) feet six (6) inch side yard setback.

Motion regarding requests:

Motion (Shearer) and second (Worthley) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P		X	
Victoria Bargas	A			

Summary of Action:

BAR-14-005 request is **APPROVED**



Chair



Executive Secretary

**DECISIONS OF THE
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19. BAR-14-007 Merry Susan Riddle by Fletcher James

6408 Rosemont Avenue

- a. Request a **VARIANCE** in an "A-7.5" One-Family District to permit the construction of a garage that encroaches three (3) feet into the five (5) foot side yard setback, creating a two (2) feet side yard setback.

Motion regarding requests:

Motion (Shearer) and second (Givens) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johnston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixson	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P	X		
Victoria Bargas	A			

Summary of Action:

BAR-14-007 request is **APPROVED**



Chair



Executive Secretary

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20. BAR-14-008 Jake Proctor by Village Homes, LP
1144 Clara Street

- a. Request a **VARIANCE** in an "A-5" One-Family District to permit the construction of a house that encroaches five (5) feet into the ten (10) foot side yard setback, creating a five (5) feet side yard setback.

Motion regarding requests:

Motion (Chappell) and second (Worthley) to approve request as cited.

Members	Present (P)/ Absent (A)	Vote on Motion		Recused
		For	Against	
Paul Johston, Vice Chair	P	X		
Ronald Shearer	P	X		
Barbara Worthley	P	X		
Joey Dixon	P	X		
De De Smith	P	X		
Carl Logan, Chair	P	X		
Wade Chappell	P	X		
Eunice Givens	P	X		
Victoria Bargas	A			

Summary of Action:

BAR-14-008 request is **APPROVED**



Chair



Executive Secretary